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Attorneys for Plaintiff ADVENTUREMOBILE INC.

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA – CLARK COUNTY**

ADVENTUREMOBILE INC.,

Plaintiff,

v.

RLD DESIGN LTD, a South African  
Company; and DOES 1-25, Inclusive,

Defendants.

**CASE NO. 2:22-cv-01315-RFB-BNW**

***Hon. Brenda Weksler***  
***United States Magistrate Judge***

**PLAINTIFF ADVENTUREMOBILE  
INC.'S MOTION TO FURTHER  
EXTEND DEADLINE TO FILE PROOF  
OF SERVICE ON DEFENDANT RLD  
DESIGN LTD**

**NO HEARING REQUESTED**

**Complaint Filed: August 17, 2022**

Plaintiff ADVENTUREMOBILE INC. ("Plaintiff"), by and through its counsel of record, Stephen J. Erigero of Ropers Majeski PC, hereby submits this Motion to Further Extend Deadline to File Proof of Service on Defendant RLD Design Ltd. The Motion is based on the Memorandum of Points and Authorities, the Declaration of Stephen J. Erigero, the pleadings on file with the Court, and any oral argument offered at any hearing that this Court requests.

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**MEMORANDUM OF POINTS AND AUTHORITIES**

**I.  
INTRODUCTION**

Plaintiff hereby requests the Court to grant it a further extension of the deadline to effectuate service on defendant RLD Design Ltd. (“Defendant”) or (“RLD”) and file proof of service with the Court. Plaintiff has not yet been able to effectuate service of the Summons and Complaint on Defendant. The current deadline for filing of the Proof of Service is September 15, 2023 which was set by this Court at the request of Plaintiff. ECF Nos. 12-13.

Defendant RLD Design, Ltd. is a South African Company. South Africa is not a signatory to the Hague Convention for service of summons and complaint. Consequently, Plaintiff’s only alternative was to request that this Court issue Letters Rogatory so that Adventuremobile could proceed through diplomatic channels to effectuate service of summons and complaint on Defendant. This Court issued Letters Rogatory on November 15, 2022. ECF No. 11.

Upon inquiring as to the status of service of process on Defendant, Adventuremobile’s process server (Adesso Process Service) advised that it has not yet been able to effectuate service and it may be required to have the entire package resubmitted for service through Letters Rogatory. Accordingly, Adventuremobile respectfully requests that the Court grant its request to extend the deadline for filing of the Proof of Service for six (6) to nine (9) months from the current deadline of September 15, 2023 to allow Plaintiff to effectuate service. Additionally and/or in the alternative, Plaintiff requests that this Court issue an order to the State Department regarding the status of service of process on RLD.

**II.  
STATUS OF SERVICE AND ADDITIONAL TIME NECESSARY TO EFFECTUATE  
SERVICE**

Defendant RLD Design, Ltd. is a South African Company. The Republic of South Africa is not a signatory to the Hague Convention for service of summons and complaint and therefore the only way to serve RLD is to proceed through Letters Rogatory, *i.e.*, through diplomatic channels involving the United States State Department and its counterpart in the Republic of South Africa.

1 Letters rogatory are notorious for being slow and tedious. According to the United States  
2 Department of Justice archives on letters rogatory, “Prosecutors should assume that the process  
3 will take a year or more. Letters rogatory are customarily transmitted via the diplomatic channel,  
4 a time-consuming means of transmission.”

5 The process server retained in this matter is Francesco Pecoraro of Adesso Process  
6 Service. Mr. Pecoraro has advised that it will take a total of 18-21 months to effectuate service of  
7 summons and complaint on a defendant in South Africa.

8 When asked about the status of service, Mr. Pecoraro advised that the entire process of  
9 service through Letters Rogatory is opaque as the United States State Department does not  
10 provide a status of progress on Letters Rogatory. Therefore, it is unclear whether or when the  
11 State Department issues a request for service to its counterpart in the Republic of South Africa.  
12 ***Only this Court has the power to issue an order to the State Department to provide a status of***  
13 ***service through Letters Rogatory.***

14 Plaintiff has been diligent in its efforts on effectuating service of process on RLD. After  
15 filing of the Complaint, Plaintiff’s counsel contacted Defendant’s counsel to find out if  
16 Defendant’s counsel in South Africa would accept service on behalf of Defendant. Defendant’s  
17 counsel responded that they were not authorized to accept service. (Erigero Decl., ¶ 4.)

18 Plaintiff’s counsel then engaged in researching of how best to effectuate service of process  
19 on Defendant. Plaintiff’s counsel’s research revealed that the Republic of South Africa is not a  
20 signatory to the Hague Convention for service of process. Therefore, Letters Rogatory appeared  
21 to be the best method for service on Defendant. (Erigero Decl., ¶ 5.)

22 The Court issued the Letters Rogatory on or about November 15, 2022. ECF No. 11.

23 The process server retained in this matter is Francesco Pecoraro of Adesso Process  
24 Service. On or about August 18, 2022, Plaintiff paid \$4,327 to Adesso Process Service to  
25 effectuate service (through Letters Rogatory) of summon and complaint on RLD. (Erigero  
26 Decl., ¶ 7, Ex. “A”.)  
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Plaintiff has been frequently inquiring about the status of service in the past few months. For example, on August 28, 2023, Plaintiff's counsel asked Mr. Pecoraro about the status of service on RLD. He advised that the service has not yet been effectuated and there was no further update. (Erigero Decl., ¶ 8, Ex. "B".)

Mr. Pecoraro also advised that a follow up may require a complete re-submittal of the package (service through Letters Rogatory), with a letter indicating it was sent once before with a request that service be expedited. (Erigero Decl., ¶ 9, Ex. "C".)

Mr. Pecoraro also provided a fee proposal for re-submittal of the package for \$2,522.10. (Erigero Decl., ¶ 10, Ex. "D".)

As of the date of filing this motion, Adesso Process Service ("Adesso") has not yet been able to effectuate service.

Plaintiff anticipates it will take between six to nine months from the current deadline of September 15, 2023 to complete service on a South African corporation and then file the proof of service with the Court. Accordingly, Plaintiff asks that this Court grants its request for extension of deadline for six to nine months from the current deadline of September 15, 2023.

In addition to retaining Ropers Majeski, Plaintiff also retained counsel in the Republic of South Africa, a firm by the name of C & A Friedlander, in order to consult regarding having a defendant that is a South African company in a lawsuit initiated in Nevada federal court and whether a judgment obtained in Nevada federal court can be enforced in the Republic of South Africa. Plaintiff was advised that in order to be able to enforce such a judgment, defendant RLD had to be served *officially, which in this case means via Letters Rogatory since the Republic of South Africa is not a signatory to the Hague Convention.* (Erigero Decl., ¶ 11.)

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Plaintiff has expanded considerable attorney's fees and costs (in excess of \$40,000), in addition to paying upfront the amount of \$4,327 to Adesso. Plaintiff has no remedy or recourse but to pursue Defendant in this Court pursuant to the Exclusive Distribution Agreement. Further, in order for Plaintiff to be able to obtain a judgment that will be enforceable in the Republic of South Africa, Plaintiff has to serve Defendant officially, *i.e.*, through Letters Rogatory. However, this type of service is very opaque and it cannot be easily ascertained in what stage the service of process is.

### **III.** **CONCLUSION**

Based on the foregoing, Plaintiff respectfully requests that the Court extend the deadline for filing of the Proof of Service for six to nine months the current deadline of September 15, 2023 (*i.e.*, through June 15, 2024). In addition and/or in the alternative, Plaintiff requests that this Court issue an order to the State Department to provide the status of service through Letters Rogatory.

Dated: September 5, 2023

ROPERS MAJESKI PC

By: 

Having read and considered Plaintiff's Motion to Extend Time to Serve the Summons and Complaint, and good cause being found pursuant to Federal Rule of Civil Procedure 4 and 6, the Court GRANTS the motion. The deadline for filing proof of service of the summons and complaint is extended to June 15, 2024.

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Attorneys for Plaintiff  
ADVENTUREMOBILE INC.

**IT IS SO ORDERED**

**DATED:** 9:30 pm, September 10, 2023



**BRENDA WEKSLER**  
**UNITED STATES MAGISTRATE JUDGE**